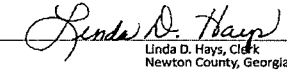


**SUPERIOR COURT OF NEWTON COUNTY
STATE OF GEORGIA**

FILED IN OFFICE
CLERK OF SUPERIOR COURT
NEWTON COUNTY, GEORGIA
SUCV2020002204
LAYLA H. ZON
OCT 29, 2020 03:34 PM


Linda D. Hays, Clerk
Newton County, Georgia

CIVIL ACTION NUMBER SUCV2020002204

Gant, Pamela

PLAINTIFF

VS.

Big Lots Stores, Inc., DBA Big Lots
Doe 1, John
Doe 2, John

DEFENDANTS

SUMMONS

TO: BIG LOTS STORES, INC.

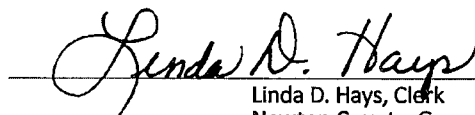
You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

**Rita T Williams
Williams & Associates
220 Church Street
Decatur, Georgia 30030**

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If this action pertains to a Protective Order, the Answer is to be filed and served on or before the scheduled hearing date attached. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This 29th day of October, 2020.

Clerk of Superior Court


Linda D. Hays, Clerk
Newton County, Georgia

FILED IN OFFICE
CLERK OF SUPERIOR COURT
NEWTON COUNTY, GEORGIA
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OCT 29, 2020 03:34 PM

**IN THE SUPERIOR COURT OF NEWTON COUNTY
STATE OF GEORGIA**


Linda D. Hays, Clerk
Newton County, Georgia

PAMELA GANT,

Plaintiff,

vs.

BIG LOTS STORES, INC.,
JOHN DOE 1, and JOHN DOE 2,

Defendants.

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CIVIL ACTION

FILE NO.: _____

COMPLAINT FOR DAMAGES

COMES NOW, Plaintiff PAMELA GANT, in the above-styled action, by and through her attorney of record, and files this Complaint for Damages against Defendants, BIG LOTS STORES, INC., JOHN DOE 1, JOHN DOE 2, and shows the Court as follows:

PARTIES

1.

Plaintiff, Pamela Gant (called "Plaintiff Gant"), is a resident of the State of Georgia and has been a resident of the State of Georgia at all times relevant to this case.

2.

Defendant, Big Lots Stores, Inc., (called "Defendant Big Lots"), is a foreign profit corporation existing under the laws of the State of Ohio with its principal

place of business at 4900 East Dublin Granville Road, Tax Department, Columbus, Ohio 43081, and may be served through its *Registered Agent, Corporation Service Company, 40 Technology Parkway South, Suite 300, Norcross, Gwinnett County, Georgia 30092*.

3.

Big Lots Stores, Inc.'s trade name is **Big Lots**. A domestic Corporation doing business in and under the laws of State of Georgia with its principal place of business at 4900 East Dublin Granville Road, Tax Department, Columbus, Ohio 43081, and may be served through its *Registered Agent, Corporation Service Company, 40 Technology Parkway South, Suite 300, Norcross, Gwinnett County, Georgia 30092* and is subject to the jurisdiction of this court.

4.

Defendant John Doe 1, (called "Defendant John Doe 1"), is an unknown defendant at the time of filing. Upon identification of Defendant John Doe 1, plaintiff will amend complaint and perfect service upon Defendant John Doe 1.

5.

Defendant John Doe 2, (called "Defendant John Doe 2"), is an unknown defendant at the time of filing. Upon identification of Defendant John Doe 2, plaintiff will amend complaint and perfect service upon Defendant John Doe 2.

JURISDICTION AND VENUE

6.

The Defendant is subject to the jurisdiction of this Court, and venue is proper in NEWTON County.

7.

The Superior Court of Newton County has jurisdiction over the subject matter of this action.

BACKGROUND

8.

Plaintiff re-alleges and incorporates herein the allegations contained in paragraphs 1 through 7 above as if fully restated.

9.

Plaintiff brings this action and sues for the following:

- (a) Special damages for any and all medicals and other necessary expenses incurred by Plaintiff due to her severe injuries related to the premise liability action which occurred on November 1, 2018, all of which were proximately caused by the acts and omission of Defendant as set forth herein;
- (b) General damages for the conscious pain and suffering, severe emotional distress, and overall diminution in the quality and value of

Plaintiff's life, which resulted from the occurrence made from the basis of this lawsuit, and which were proximately caused by the acts and omissions of Defendant as set forth herein; and;

- (c) Punitive or exemplary damages for Defendant's conscious indifference to the consequences of their actions.

FACTS

10.

Plaintiff re-alleges and incorporates herein the allegations contained in paragraphs 1 through 9 above as if fully restated.

11.

On or about November 1, 2018, Plaintiff Gant was an "invitee" of the Defendant Big Lots, (Newton Plaza), 3111 Highway 278 NE, Covington, Newton County, Covington, Georgia 30014. *Pursuant to O.C.G.A. §51-3-1, Under Georgia law, these people are known as "invitees", premises owner owe an "invitee" a duty of "ordinary care to keep the premises and approaches safe."*

12.

On this said day, an unknown substance was dripping from the ceiling and Plaintiff Gant slipped and fell in an unmarked puddle of the "wet substance" causing permanent and severe injuries.

13.

Plaintiff Gant was unable to break her fall with her left arm. The fall was so great. Plaintiff Gant was unable to move due to the excruciating pain. Plaintiff Gant was transported by ambulance to Piedmont Hospital in Newton County, Georgia.

14.

As a result, Plaintiff sustained severe injuries to her left hip and low back with radiating pain into both her hips and legs.

COUNT ONE
PREMISES LIABILITY

15.

Plaintiff re-alleges and incorporates herein the allegations contained in paragraphs 1 through 14 above as if fully restated.

16.

Big Lots' liability has been established in the subject incident pursuant to O.C.G.A. § 51-3-1 which states:

“Where an owner or occupier of land, by express or implied invitation, includes or leads others to come upon his premises for any lawful purposes, he is liable in damages to such persons for injuries caused by his failure to exercise ordinary care in keeping the premises and approaches safe.”

17.

Plaintiff was an invitee of Big Lots, located at 3111 Highway 278 NE, Covington, Newton Plaza, Georgia 30014.

18.

Therefore, pursuant to O.C.G.A. § 51-3-1, Big Lots owed the invitee a duty to exercise reasonable care in keeping the premises and approaches safe.

19.

Big Lots breached this duty in the following ways:

- a. In failing to clean/remove any liquid substance from the floors that may cause harm to its invitees;
- b. In failing to warn invitees of the potential hazard conditions on the floor; and
- c. In failing to place hazardous cones in a visible location as to warn invitees of possible dangerous areas

20.

At all times, Plaintiff was exercising reasonable care and caution for her own safety.

21.

Had Defendant, through its agents and employees, been exercising reasonable care, removed the liquid substance from the floor in the area that

would've caused no harm in the general public and invitees such as the Plaintiff and avoid the incident that occurred on November 1, 2018.

22.

In failing to do so, the business breached its duty to Plaintiff, an invitee, and consequently caused her injuries.

COUNT TWO
PUNITIVE DAMAGES

23.

Plaintiff re-alleges and incorporates herein the allegations contained in paragraphs 1 through 22 above as if fully restated.

24.

Defendant demonstrated a conscious indifference to the consequences of its actions when it continually failed to warn invitees of the hazard of potential dangerous liquid on the floors. Defendant demonstrated an unwillingness to keep the premises safe for invitees in its store.

25.

Defendant showed willfulness, extreme recklessness, total disregard, and a conscious indifference to the safety and wellbeing of others, including but not limited to, the Plaintiff.

26.

Defendant's behavior was so egregious that it constituted reckless conduct and a want of care for the consequences of its actions. Defendant is therefore liable for an award of punitive damages.

COUNT THREE
NEGLIGENT TRAINING and/or SUPERVISION

27.

Plaintiff re-alleges and incorporates herein the allegations contained in paragraphs 1 through 26 above as if fully restated.

28.

Defendant was negligent in failing to adopt appropriate policies and procedures to make sure that appropriate inspections, hazard conditions are avoidable when floors are wet from liquid substance in the areas where invitees may become injured.

29.

Defendant was negligent in training and supervising its staff to properly place warning signs in the areas when a liquid substance has spilled on the floors.

30.

As a result of Defendant's negligence in training and supervising its employees, Plaintiff was permanently injured on the subject premises.

WHEREFORE, plaintiff prays that she have a trial on all issues and judgment against defendant as follows:

- a. That Plaintiff recovers special damages, including but not limited to, the full value of past and future medical expenses in an amount to be proven at trial;
- b. That Plaintiff recovers for mental and physical pain and suffering and emotional distress in an amount to be determined by the enlightened conscience of the jury;
- c. That Plaintiff recovers punitive or exemplary damages against Defendant for its conscious indifference to the consequences of its actions;
- d. That Plaintiff recovers such other and further relief as is just and proper; and
- e. That all issues be tried before a jury.

This 29th day of October, 2020.

WILLIAMS & ASSOCIATES, P.C.

/s/ Rita T. Williams

Rita Tucker Williams

GA State Bar No.: 763978

Ledia L. Regis

GA State Bar No. 750281

Attorneys for Plaintiff

220 Church Street
Decatur, GA 30030

(404) 370-3783

Email: rtwilliams@williamsandassoc.com

Email: lregis@williamsandassoc.com

Civil Action No. SUCV2020002204
 Date Filed October 24, 2020

Magistrate Court ☐
 Superior Court ☒
 State Court ☐
 Georgia, Gwinnett County
Newton

20009242

Attorney's Address

Rita T. Williams
 Williams & Associates
 280 Church Street
 Decatur, GA 30030

Name and Address of party to be served.

Big Lots Stores, Inc.

c/o Corporation Service Company, Reg. Agent
40 Technology Hwy S. # 300 Norcross, GA
30092

Pamela Gant

Plaintiff

VS.

Big Lots Stores, Inc.,

John Doe 1, and John Doe 2

Defendant

Garnishee

Sheriff's Entry Of Service

Personal ☐

I have this day served the defendant _____ personally with a copy of the within action and summons.

Notorious ☐

I have this day served the defendant _____ by leaving a copy of the action and summons at his most notorious place of abode in this County.

Delivered same into hands of _____ described as follows
 age, about _____ years; weight, about _____ pounds; height, about _____ feet and _____ inches; domiciled at the residence of defendant.

Corporation ☒

Served the defendant Big Lots Stores Inc. a corporation
 by leaving a copy of the within action and summons with Michelle Smith
 in charge of the office and place of doing business of said Corporation in this County.

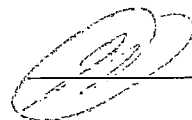
Tack & Mail ☐

I have this day served the above styled affidavit and summons on the defendant(s) by posting a copy of the same to the door of the premises designated in said affidavit, and on the same day of such posting by depositing a true copy of same in the United States Mail, First Class in an envelope properly addressed to the defendant(s) at the address shown in said summons, with adequate postage affixed thereon containing notice to the defendant(s) to answer said summons at the place stated in the summons.

Non Est ☐

Diligent search made and defendant _____ not to be found in the jurisdiction of this Court.

This 5 day of Nov, 2020.



50777
 Deputy

Sheriff Docket _____ Page _____

Gwinnett County, Georgia

WHITE: Clerk

CANARY: Plaintiff / Attorney

PINK: Defendant